

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

CA 146/09  
5082953

BETWEEN                      ENKE GOUW  
   Applicant  
  
AND                              WAKEFIELDS OF SUMNER  
   LIMITED  
   Respondent

Member of Authority:      Paul Montgomery

Representatives:            Enke Gouw in person  
   Tim Guthrie, Advocate for Respondent

Investigation Meeting:     at Christchurch. On the papers

Determination:              3 September 2009

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1]      At the substantive investigation both parties were self-represented, and on that basis having found for Mr Gouw, his filing fee was in question and the Authority required the respondent to refund the \$70 so incurred.

[2]      Mr Gouw wrote to the Authority explaining he had incurred legal costs as he had engaged an established advocacy company to assist him in lodging his statement of problem setting out his statement of evidence and advising Mr Gouw on the process followed by the Authority in investigating an employment relationship problem.

[3]      Attached to his letter Mr Gouw provided a statement of account from I R Thompson Associates Limited recording payments related to the applicant's costs in seeking its advice. The total is \$1,290.00.

[4]      The issue of costs is discretionary and that discretion needs to be exercised in the principled manner.

[5] This is a case in which costs ought to follow the event. However, having said that, the applicant had more modest success than he had sought for the reasons set out in the primary determination. Further, the investigation meeting took a little over two hours.

[6] In viewing the circumstances of this case overall, I think it is just to award Mr Gouw the sum of \$450.00 as a contribution to his reasonably incurred costs. This is in addition to the refund of his filing fee of \$70 as ordered in the original determination.

[7] I order the respondent to pay Mr Gouw costs of \$450.00 plus his filing fee of \$70.00. The total order is for \$520.00.

Paul Montgomery  
Member of the Employment Relations Authority